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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/708,672	03/18/2004	Timothy G. Offerle	81095824FGT1906	2671
28549	7590	06/30/2005	EXAMINER	
KEVIN G. MIERZWA ARTZ & ARTZ, P.C. 28333 TELEGRAPH ROAD, SUITE 250 SOUTHFIELD, MI 48034			WILLIAMS, THOMAS J	
		ART UNIT		PAPER NUMBER
				3683

DATE MAILED: 06/30/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	10/708,672	OFFERLE, TIMOTHY G.
	Examiner	Art Unit
	Thomas J. Williams	3683

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 28 April 2005.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-37 is/are pending in the application.
 - 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-16 and 18-37 is/are rejected.
- 7) Claim(s) 17 is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 28 April 2005 is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: _____.

DETAILED ACTION

1. Acknowledgment is made in the receipt of the amendment filed April 28, 2005.

Drawings

2. The drawings were received on April 28, 2005. These drawings are approved.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-16 and 18-37 are rejected under 35 U.S.C. 102(b) as being anticipated by US 6,324,458 to Takagi et al.

Re-claims 1 and 22, Takagi et al. disclose a vehicle and method for controlling an automotive vehicle comprising: determining a forward direction, column 6 lines 8-9; determining a reverse direction, column 6 lines 8-9; a controller for applying a brake-steer in response to the forward direction signal as a function of a first threshold, step 130; and for applying a brake-steer in response to the reverse direction signal as a function of a second threshold different from the first threshold, see abstract and column 6 lines 1-42, note that Vrp (forward direction) is greater than Vrq (reverse direction), column 10 lines 3-46 describes a braking application process for improving the steering characteristics, i.e. brake-steer. Column 11 lines 4-16 discloses performing brake-steer, or improving steering performance control, during an understeer condition. The elimination or reduction in understeer will result in the reduction of a turning

radius of the vehicle beyond that corresponding to a steering input, this is done by using the brakes.

Re-claims 2-4, 9-11, 30-32 and 34-36, the vehicle direction is determined by a shift position switch, see column 5 lines 43-47. Shift position switches or levers have push buttons and are linked to the transmission controller.

Re-claims 5, 12, 33 and 37, Takagi et al. disclose that the vehicle speed information V, V_{wi} depends upon vehicle direction, see column 6 lines 7-10.

Re-claims 6, 13, 23 and 24, Takagi et al. disclose that the brake system is controlled when applying the brake-steer in response to the forward or reverse direction, thus reducing a vehicle turning radius.

Re-claims 7, 14 and 25, Takagi et al. disclose that the engine, and subsequently drive torque, is controlled when applying the brake-steer in response to the forward or reverse direction.

Re-claims 8 and 15, a brake increase at the rear wheel during an understeer condition in Takagi et al. will result in an increase in the normal load of the wheel.

Re-claim 16, the second threshold is less than the first threshold, see column 6 lines 40, 51, 62 etc.

Re-claims 18 and 26, a steering wheel angle θ (column 8 line 36) is part of the calculations in steps 80 and 100, see column 8 lines 34-58.

Re-claims 19 and 27, see column 6 lines 43-52.

Re-claims 20 and 28, see column 8 lines 35-37.

Re-claims 21 and 29, see column 6 lines 30-42.

Allowable Subject Matter

5. Claim 17 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

6. Applicant's arguments filed April 28, 2005 have been fully considered but they are not persuasive. As stated in the above rejection brake-steer is interpreted as the process of utilizing braking forces to change the steering performance of the vehicle. This is supported by the applicant's description of what brake-steer may encompass, see paragraph 39, such as using brakes to change a turning radius. Thus the utilization of the brakes when compensating for an oversteer or understeer situation in Takagi et al. is interpreted as a brake-steer operation. As known in the art a correcting action to understeer will result in the reduction of the turning radius.

Conclusion

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

8. Any inquiries concerning this communication or earlier communications from the examiner should be directed to Thomas Williams whose telephone number is 571-272-7128. The examiner can normally be reached on Monday-Thursday from 6:30 AM to 4:00 PM. The examiner can also be reached on alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dave Bucci, can be reached at 571-272-7099. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 571-272-6584.

TJW

June 24, 2005

THOMAS WILLIAMS
PATENT EXAMINER

Thomas Williams

AU 3683
6-24-05

Approved
By Exam.
PN 6-2405

Replacement Sheet 10/708,672

